THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.22675 OF 2006

DATED: 01.11.2006

BETWEEN:

T.Suryakantham … petitioner

And

The Commissioner,
Amalapuram Municipality,
Amalapuram, East Godavari. … Respondent.

THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.22675 OF 2006

ORDER:

The matter is coming up for admission today. Heard Sri Rajashekar, the counsel representing the petitioner and Sri Nageshwar Reddy, learned Standing Counsel representing the respondent – Municipality.

The writ petition is filed for a writ of mandamus to declare the action of the respondent in not receiving the application of the petitioner for approval of the site bearing D.Nos.3-2-136/1, 3-2-136/2 and 3-2-138 situated at Gokhale Centre, College Road, Amalapuram, East Godavari district and also the action of the respondent in not accepting the application for permission to execute the work of the said site as arbitrary, illegal and violative of Chapter IV of the A.P. Municipalities Act 1965 and consequently to direct the respondent to accept the application of the petitioner seeking grant for approval of the site and also permission to execute the work in respect of site bearing D.Nos.3-2-136/1, 3-2-136/2 and 3-2-138 situated at Gokhale Centre, College Road, Amalapuram, East Godavari and to pass such other order.

Several factual details are narrated in the affidavit filed in support of the writ petition. It is stated that the petitioner had purchased 32.66 sq.yards, 123.50 sq.yards and 96.8 sq.yards in D.Nos.3-2-136/1, 3-2-136/2 and 3-2-138 situated at Gokhale Centre,

College Road, Amalapuram, East Godavari through different sale deeds. It is also stated that the petitioner intended to construct one shopping complex and residential house and approached the respondent for grant of approval and permission for execution of work by submitting application dated 25.9.2006 by enclosing all necessary documents. It is stated that the respondent is not receiving the application of the petitioner and the said action is not in accordance with the provisions of the A.P.Municipalities Act.

It is needless to say that if the petitioner had submitted application in accordance with law, the provision of the Act referred to supra, and the Rules made thereunder, the respondent is bound to receive and consider the same and pass appropriate orders in accordance with law.

In view of the same, the respondent is hereby directed to receive the application of the petitioner praying for permission to execute the work of site in question and pass appropriate orders in relation thereto, in accordance with law, as expeditiously as possible, preferably within a period of one month from the date of the receipt of a copy of this order.

The writ petition is accordingly, allowed to the extent indicated above. No order as to costs.

01.11.2006.

Note:
Issue c.c. by tomorrow.
B/o.
mdaa